

IN RE: PETITION FOR ZONING VARIANCE  
NW/8 Dogwood Drive, 767.94' SW  
of the c/l of Wilson Point Road  
(36 Dogwood Drive)  
15th Election District  
5th Councilmanic District  
Brian John Bosse, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-228-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 4'6" in lieu of the required 10 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners, by Mr. Bosse, appeared and testified. There were no Protestants.

At the onset of the hearing, it was determined that the Petition and Petitioner's Exhibit 1 were prepared in error as to the side yard setback being requested. Petitioner indicated the variance being requested is actually 8'6" rather than 4'6" in lieu of the required 10 feet.

Testimony indicated that the subject property, zoned D.R. 5.5, is known as 36 Dogwood Drive and is currently improved with a one-story frame dwelling. Petitioner indicated the proposed one-story addition will provide more habitable space for him and his family and will include a new bedroom and bathroom and increase the size of the existing kitchen and an existing bedroom. Due to the angle of the existing dwelling on the lot, the proposed addition will run closer to the property line than permitted by the zoning regulations.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of

the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must

take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of January, 1989 that the Petition for Zoning Variance to permit a side yard setback of 8'6" in lieu of the required 10 feet for a proposed addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the

Petitioner would be required to return, and be responsible for returning, said property to its original condition;

- 2) The variance granted herein is limited to the addition as depicted in Petitioner's Exhibit 1 and shall not be applied to any future additions on the subject property. Any substantial deviation from the construction as shown will result in voiding this approval;
- 3) Petitioner shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartment;
- 4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated October 25, 1988, attached hereto and made a part hereof.

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner for  
Baltimore County

JRH:bjs

#### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-228-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.3.C.1 To allow a side yard setback of 4'6" in lieu of the required 10 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

I am building this addition myself and it is easier to lay out and build this addition to the contour of the original structure and to follow the building codes.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Attorney for Petitioner: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Attorney's Telephone No.: \_\_\_\_\_  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Phone No.: \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of Dec. 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18th day of Jan., 1989, at 2 o'clock P.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County  
(over)

Beginning on the NORTHSIDE of DOGWOOD DRIVE 26 feet wide at 767.94 feet WEST of the center line of Wilson Point Road being LOT 288 in subdivision of STANSBURY MANOR. BOOK NO. 13 FOLIO 138 also known as 36 DOGWOOD DRIVE in the 15TH ELECTION DISTRICT.

#### CERTIFICATE OF PUBLICATION

OFFICE OF  
Dundalk Eagle  
4 N. Center Place  
P.O. Box 8936  
Dundalk, Md. 21222  
November 23, 1988

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hearings - Case #89-228-A - P.O. #05907 - Reg. #W20447 - 99 lines & \$49.50, was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 24th day of November 1988; that is to say, the same was inserted in the issues of Nov. 23, 1988

Kimbel Publication, Inc.  
per Publisher.

By K.C. Oller

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

January 5, 1989

Mr. & Mrs. Brian John Bosse  
36 Dogwood Drive  
Baltimore, Maryland 21220

RE: PETITION FOR ZONING VARIANCE  
NW/8 Dogwood Drive, 767.94' SW of the c/l of Wilson Point Road  
(36 Dogwood Drive)  
15th Election District - 5th Councilmanic District  
Brian John Bosse, et ux - Petitioners  
Case No. 89-228-A

Dear Mr. & Mrs. Bosse:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,  
J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: People's Counsel

File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

Mr. & Mrs. Brian John Bosse  
36 Dogwood Drive  
Baltimore, Maryland 21220

Re: Petition for Zoning Variance

CASE NUMBER: 89-228-A  
NW/8 Dogwood Drive, 767.94' SW c/l Wilson Point Road  
(36 Dogwood Drive)  
15th Election District - 5th Councilmanic  
District  
Petitioner(s): Brian John Bosse, et ux  
HEARING SCHEDULED: THURSDAY, DECEMBER 15, 1988 at 9:00 a.m.\*

Dear Mr. & Mrs. Bosse:

Please be advised that \$105.75 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to: BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
DATE 12/15/88 ACCOUNT 89-228-A  
AMOUNT \$ 105.75  
RECEIVED FROM: Brian John Bosse  
FOR: J. Robert Haines  
VALIDATION C/P SIGNATURE OF CASHIER  
DETENTION DATE CASHIER PNC-ALERT YELLOW CUSTOMER



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 15th Variance Date of Posting 12/6/88  
Posted for: Brian John Bosse, et ux  
Petitioner: NWS Dogwood Drive, 767.94' SW of Wilson  
Location of property: 36 Dogwood Drive  
Location of Sign: Facing Dogwood Dr., approx. 17' E. No. 100  
Remarks: See copy of Petition  
Posted by: [Signature] Date of return: 12/6/88  
Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., November 28, 1988  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on November 24, 1988.

THE JEFFERSONIAN,

Publisher

PO 05406  
reg M20448  
case 89-228-A  
price \$41.25

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 89-228-A  
NWS Dogwood Drive, 767.94' SW of Wilson Point Road  
(36 Dogwood Drive)  
15th Election District - 5th Councilmanic  
Petitioner(s): Brian John Bosse, et ux  
HEARING SCHEDULED: THURSDAY, DECEMBER 15, 1988 at 9:00 a.m.\*

Variance to allow a side yard setback of 4'6" in lieu of the required 10 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

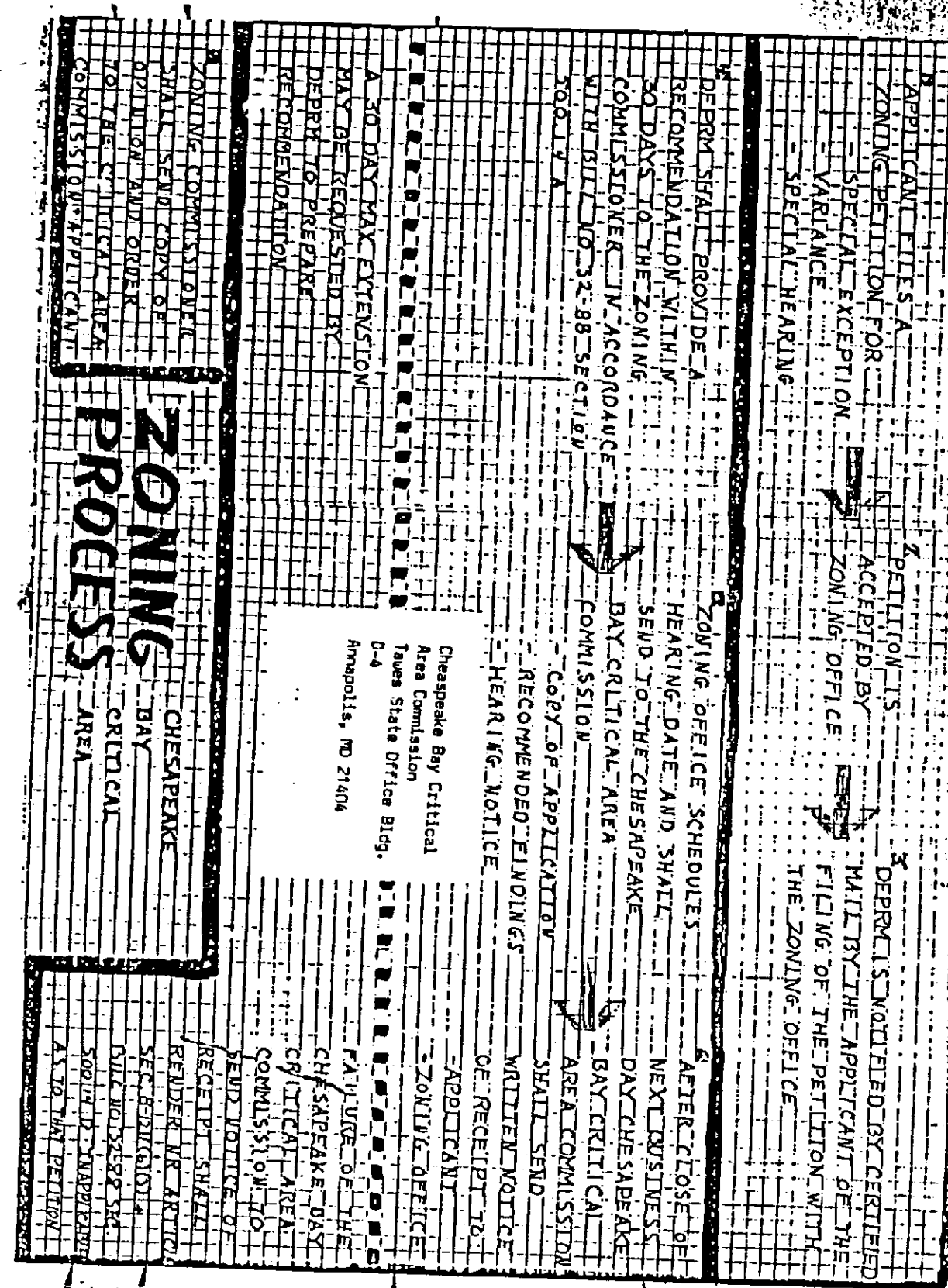
J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Brian John Bosse, et ux  
File  
Chesapeake Bay Critical  
Area Commission

\*NOTE:  
IF PHASE II OF THE SNOW  
EMERGENCY PLAN IS IN EFFECT  
IN BALTIMORE COUNTY BY 6:30  
a.m. ON THE DATE OF THE  
ABOVE HEARING, SUCH HEAR-  
ING WILL BE POSTPONED AND  
REVENUE SCHEDULED  
FOR THURSDAY, JANUARY 12,  
1989. PLEASE  
DOCKET CLERK AT 494-3391  
OR 887-3391 TO CONFIRM DATE.



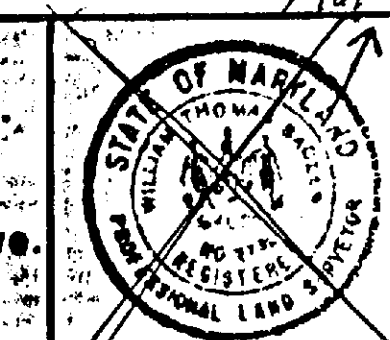
Dennis F. Rasmussen  
County Executive



Room 106  
County Office Building  
Baltimore County  
Towson, MD 21204  
ATTN: DAVID FLORES



W. T. SADLER, INC.  
Surveyors  
111 Pennsylvania Ave.  
Towson, MD 21204



LOCATION SURVEY  
36 DOGWOOD DRIVE  
ELECTION DISTRICT 5  
BALTIMORE COUNTY, MARYLAND  
SCALE 1" = 20'  
DATE 7-12-77  
JOB NO. 222

89-228-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
28th day of October, 1988.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner Brian J. Bosse, et ux  
Petitioner's  
Attorney

Received by: James P. Dyer  
Chairman, Zoning Plans  
Advisory Committee

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chief  
J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

September 29, 1988



Dennis F. Rasmussen  
County Executive

Re: Property Owner: Brian John Bosse, et ux (critical)

Location: NWS/Dogwood Dr., 767.94' SW of c/l of Wilson Point Road  
36 Dogwood Drive  
Item No.: 96

Zoning Agenda: Meeting of 9/20/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: John F. O'Neill Noted and  
Planning Group Approved: John F. O'Neill  
Special Inspection Division

/s/

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

J. Robert Haines  
Zoning Commissioner  
TO: \_\_\_\_\_ Date: November 29, 1988

Pat Keller, Deputy Director  
FROM: Office of Planning and Zoning

Zoning Petition Nos. 89-187-A (Ryan Homes); 89-188-A (Healy); 89-202-A (Crown Station Joint Venture); 89-206-A (Krivitski); 89-207-A (Minton); 89-211-A (Div.-GreenSpring Ave.); 89-212-A (Bollinger); 89-217-A (Dobrykowski); 89-218-A (Vandus); 89-228-A (Bosse); (89-230-A [Ray] and 89-231-A [Katrik] - located in Critical Area) and 89-235-A (Elevins)

The Office of Planning and Zoning has no comment on the proposed projects except as noted:

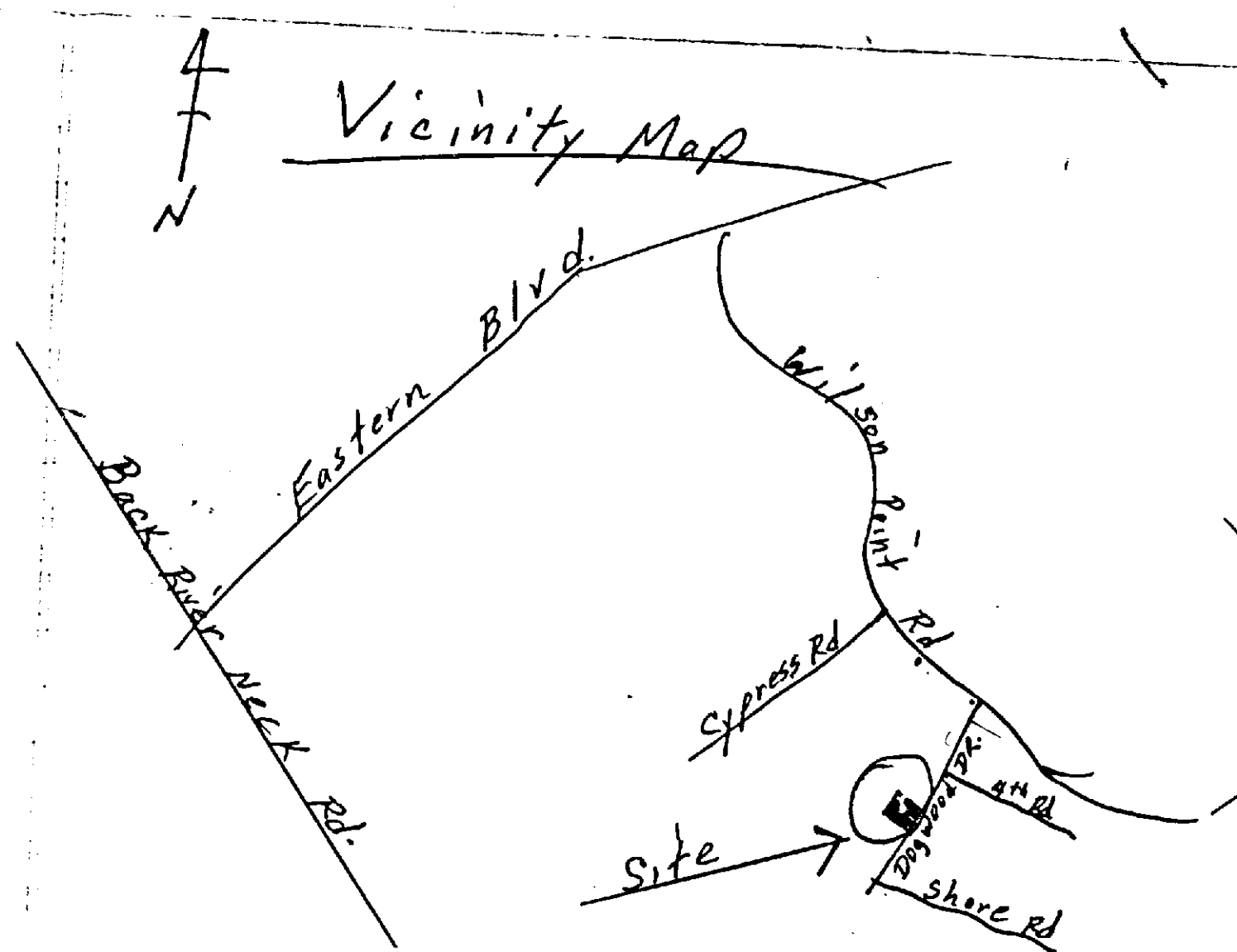
- All requests should be subject to the site plan as shown (use, size, location) and not uniformly applied to the lot. Any substantial deviation from the construction as shown will result in voiding of the approval.

PK/sf

RECEIVED  
NOV 29 1988

OFFICE

11/2/88  
cc: Mr & Mrs. Bosse





# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 6, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

080

Mr. & Mrs. Brian J. Bosse  
36 Dogwood Drive  
Baltimore, MD 21220

RE: Item No. 96 Case No. 89-228-A  
Petitioner: Brian John Bosse, et ux  
Petition for Zoning Variance

Dear Mr. & Mrs. Bosse:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dyer*

JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:scj

Enclosures

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building, Suite 405  
Towson, Maryland 21204  
494-3554

October 11, 1988



Dennis F. Rasmussen  
County Executive

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

RECEIVED ZONING OFFICE  
DATE: 10/14/88

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 55, 93, 94, 95, 96, 98, 99, 100, & 101.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF:lab

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines  
Zoning Commissioner

DATE: October 25, 1988

FROM: Mr. Robert W. Sheesley

SUBJECT: Bosse Property - Zoning Variance Item #96  
36 Dogwood Drive - Lot 288

RECEIVED  
OCT 27 1988

ZONING OFFICE

Subject property is located on the corner of Dogwood Drive and Wilson Point Road in Middle River. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area.

The applicant has requested a zoning variance to permit side yard setbacks of 4'6" in lieu of the required 10' for a single family dwelling.

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding that projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01 G>

The proposed development will comply with the law provided that the zoning petition is conditioned on compliance with the following requirements:

1. Two major deciduous trees or four minor conifer trees shall be planted and maintained on the lot. A combination of these two tree types is acceptable provided a total of 500 square feet of tree cover is provided. A major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at maturity.
2. Storm water runoff from impervious surfaces associated with this petition shall be directed over pervious areas such as lawn to encourage maximum infiltration.

Mr. J. Robert Haines  
October 25, 1988  
Page 2

3. Rooftop runoff shall be directed through down-spouts and into a dry well of approved design to encourage maximum infiltration (see attached dry well design).

Upon compliance with the above requirements, this project will be approved. Please contact Mr. David C. Flowers at 494-3980 if you have any questions.

*Robert W. Sheesley*  
Robert W. Sheesley, Director  
Department of Environmental Protection  
and Resource Management

RWS:DCF:tjg

Attachment

cc: The Honorable Ronald B. Hickernell

DESIGN 4:  
Dry Well Designs. (Figure 5.8). Dry wells are a basic trench variation which are designed exclusively to accept rooftop runoff from residential or commercial buildings (Figure 5.9). Additional guidance on dry well design is available from Md WRA (1984). Basically, the leader from the roof is extended into an underground trench, which is situated a minimum of ten feet away from the building foundation. Rooftop gutter screens are needed to trap any particles, leaves and other debris, and must be regularly cleared.

Figure 5.8: Dry Well Design (adapted from Md WRA, 1984)

